

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

**I.(a) PLAINTIFFS**

California Sportfishing Protection Alliance

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

San Joaquin County

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Michael R. Lozeau / Law Office of Michael R. Lozeau, 1516 Oak St., Ste. 216, Alameda CA 94501 (see attachment)

**DEFENDANTS**

Aaron Metals Company

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**II. BASIS OF JURISDICTION** (PLACE AN 'X' IN ONE BOX ONLY)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

|   | PTF                        | DEF                        | PTF   | DEF  |
|---|----------------------------|----------------------------|---|--|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> Original Proceeding | <input type="checkbox"/> Removed from State Court | <input type="checkbox"/> Remanded from Appellate Court | <input type="checkbox"/> Reinstated or Reopened | <input type="checkbox"/> Transferred from Another district (specify) _____ | <input type="checkbox"/> Multidistrict Litigation | <input type="checkbox"/> Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance  | <input checked="" type="checkbox"/> PERSONAL INJURY          | <input type="checkbox"/> 610 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158     | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 310 Airplane                        | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 315 Airplane Product Liability      | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 |  | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 320 Assault Libel & Slander         | <input type="checkbox"/> 630 Liquor Laws                                 |  | <input type="checkbox"/> 450 Commerce/ICC Rates/etc.                                   |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 330 Federal Employers Liability     | <input type="checkbox"/> 640 RR & Truck                                  |  | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 340 Marine                          | <input type="checkbox"/> 650 Airline Regs                                |  | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability        | <input type="checkbox"/> 660 Occupational Safety/Health                  |  | <input type="checkbox"/> 480 Consumer Credit   |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 350 Motor Vehicle                   | <input type="checkbox"/> 690 Other                                       |  | <input type="checkbox"/> 490 Cable/Satellite TV  |
| <input type="checkbox"/> 160 Stockholders Suits                                   | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 710 Fair Labor Standards Act                    |  | <input type="checkbox"/> 810 Selective Service   |
| <input type="checkbox"/> 180 Other Contract                                       | <input type="checkbox"/> 360 Other Personal Injury           | <input type="checkbox"/> 720 Labor/Mgmt Relations                        |  | <input type="checkbox"/> 850 Securities/Commodities/ Exchange                          |
| <input type="checkbox"/> 195 Contract Product Liability                           |  | <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act       |  | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |
| <input type="checkbox"/> 196 Franchise  |  | <input type="checkbox"/> 740 Railway Labor Act                           |  | <input type="checkbox"/> 891 Agricultural Acts   |
| REAL PROPERTY   | CIVIL RIGHTS   | PRISONER PETITIONS   | SOCIAL SECURITY                                    | <input type="checkbox"/> 892 Economic Stabilization Act                                |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                          | <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus:    | <input type="checkbox"/> 861 HIA (1395ff)          | <input type="checkbox"/> 893 Environmental Matters                                     |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                      | <input type="checkbox"/> 530 General                                     | <input type="checkbox"/> 862 Black Lung (923)      | <input type="checkbox"/> 894 Energy Allocation Act                                     |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing                         | <input type="checkbox"/> 535 Death Penalty                               | <input type="checkbox"/> 863 DIWC/DIWW (405(g))    | <input type="checkbox"/> 895 Freedom of Information Act                                |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                         | <input type="checkbox"/> 540 Mandamus & Other                            | <input type="checkbox"/> 864 SSID Title XVI        | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 440 Other Civil Rights              | <input type="checkbox"/> 550 Civil Rights                                | <input type="checkbox"/> 865 RSI (405(g))          | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 445 Amer w/ disb - Empl             | <input type="checkbox"/> 555 Prison Condition                            |  | <input type="checkbox"/> 890 Other Statutory Actions                                   |
| FEDERAL TAX SUITS   |  |  |  |  |
|   |  | <input type="checkbox"/> 780 Taxes (US Plaintiff or Defendant)           |  |  |
|   |  | <input type="checkbox"/> 871 IRS - Third Party                           | 26 USC 7609  |  |

**VI. CAUSE OF ACTION** (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action seeks to enforce requirements of a federal permit issued under the Federal Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION      DEMAND \$\_\_\_\_\_ CHECK YES only if demanded in complaint:  
UNDER F.R.C.P. 23      JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S)** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE  
IF ANY "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**

(PLACE AND "X" IN ONE BOX ONLY)

 SAN FRANCISCO/OAKLAND SAN JOSE

DATE 7/9/2007

SIGNATURE OF ATTORNEY OF RECORD

**Attachment to Civil Cover Sheet**

- c) Other attorney: Douglas J. Chermak  
Office numbers: (510) 749 - 9102 (510) 749-9103 (fax)